



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DAC/A762  
#11

5      Applicant: Nissim DARVISH, et al.  
 Serial Number: 09/914,889  
 Filed: January 24, 2002  
 For: Blood Glucose Level Control  
 Art Unit: 3762  
 Examiner: JASTRZAB, Jeffrey R.

RECEIVED

APR 21 2004

OFFICE OF PETITIONS

10      Mail Stop Petitions  
 Hon. Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

15      **PETITION TO ACCEPT UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. 120 FOR THE BENEFIT OF A PRIOR-FILED APPLICATION**

Sir:

20      Applicants hereby petition the Commissioner to accept an unintentionally delayed claim under 35 USC 120 for the benefit of a prior-filed application under the provisions of 37 CFR 1.78(a)(3).

- 25      The petition is accompanied by the following:
- An amendment to the specification of the present application, including a reference to the prior-filed application as required by 35 USC 120 and 37 CFR 1.78(a)(2).
  - Deposit account authorization for the surcharge set forth in 37 CFR 1.17(t). (See attached transmittal letter)
  - A statement that the entire delay, between the date the claim was due and the date in which it was filed, was unintentional.

Adjusted filing date: 10/21/2004 AKELLEY  
 04/21/2004 MAHMEDI 00000076 033419 09914889  
 01 FC:1454 1330.00 CR

04/20/2004 MAHMEDI 00000076 033419 09914889  
 01 FC:1454 1330.00 DA

**REMARKS**

The present application is a U.S. national phase filing of PCT application No. PCT/IL00/00132, filed March 5, 2000, and claims the benefit under 119(e) of US provisional application 60/123,532, filed March 5, 1999.

5 Applicants hereby petition the commissioner to accept an unintentionally delayed claim for continuation-in-part of US Application No. 09/481,253, filed January 11, 2000, now US patent 6,571,127, which is a continuation of PCT/IL97/00243, filed July 16, 1997.

An amendment to the specification of the present application, to include a  
10 reference to the 09/481,253 application, is being filed concurrently.

Applicants have originally referred to the 09/481,253 application in the background of the invention, as it was not thought that the present application required a claim for the benefit thereof. However, since the Examiner presented a rejection based on the 09/481,253 application, applicants understand that it will be useful to claim the benefit  
15 from it in the present application.

Applicants hereby state that the entire delay in submitting the claim was unintentional, as the need to submit the claim only became apparent during an interview conducted between applicants' representative and the Examiner on February 24, 2004.

The claim is being submitted together with a response to the interview and an  
20 Office Action dated October 8, 2003.

Please see attached transmittal letter for deposit account authorization, for the surcharge set forth in 37 CFR 1.17(t).

Favorable consideration of the petition and issuance of a corrected filing receipt reflecting the complete priority information is respectfully requested.

25

Respectfully submitted,  
Nissim DARVISH, et al.

  
Maier Fenster,  
Reg. No. 41,016

30

April 8, 2004

William H. Dippert, Esq.  
Reed Smith LLP  
599 Lexington Avenue, 29<sup>th</sup> floor  
35 New York, NY 10022-7650

Tel: (212) 521-5400



PTO/SB92 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

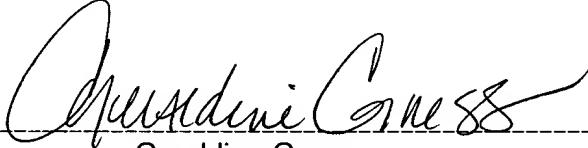
## Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop:  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

April 8, 2004  
on \_\_\_\_\_.

Date



Geraldine Gress

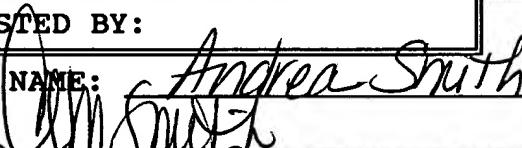
Reed Smith LLP  
599 Lexington Avenue  
29th Floor  
New York, New York 10022-7650  
Tel: 212-521-5400; Fax: 212-521-5450

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Applicant: Nissim DARVISH, et al.  
Serial No: 09/914,889 Filing Date: January 24, 2002  
For: BLOOD GLUCOSE LEVEL CONTROL  
Enclosures: (1) Transmittal Letter (1 page); (2) Petition To Accept Unintentionally Delayed Claim (2 pages);  
(3) Combined Amendment & Petition For Extension of Time (2 pages); (4) Amendment (8 pages);  
(5) Transmittal of IDS (2 pages); (6) Fourth Supplementary Information Disclosure Statement (2 pages)  
w/IDS Citation (1 page) & two references; (7) Acknowledgement Postcard.

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

UNITED STATES PATENT & TRADEMARK OFFICE  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND			
1 Date of Request:	10-20-04	2 Serial/Patent #	07/14,889
3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
Filing			\$
Amendment			\$
Extension of Time			\$
Notice of Appeal/Appeal			\$
Petition			\$
Issue			\$
Cert of Correction/Terminal Disc.			\$
Maintenance			\$
Assignment			\$
Other			\$
	7 TOTAL AMOUNT OF REFUND	\$	
10 REASON:	8 TO BE REFUNDED BY:		
Overpayment	Treasury Check		
Duplicate Payment	<input checked="" type="checkbox"/> Credit Deposit A/C #: 03 -- 3419		
<input checked="" type="checkbox"/> No Fee Due (Explanation): <i>Petition Dismissed as Moot.</i>			
11 REFUND REQUESTED BY:			
TYPED/PRINTED NAME:	Andrea Smith		
SIGNATURE:			
OFFICE:	PAC. Of Petitions		
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****			
APPROVED:	DATE: 10/21/04		

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance  
Refund Branch  
Crystal Park One, Room 802B